

REMARKS

Claims 1-30 are pending.

103 Rejections

Claims 1-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Liddy et al. ("Liddy;" U.S. Patent No. 6,026,388) in view of Papierniak et al. ("Papierniak;" U.S. Patent No. 6,151,601) and further in view of Shapiro et al. ("Shapiro;" U.S. Publication No. 2002/0161770). The Applicants have reviewed these references and respectfully submit that the present invention as recited in Claims 1-30 is not shown or suggested by Liddy, Papierniak and Shapiro, alone or in combination.

As noted by the Examiner on page 4 of the instant Office Action, Liddy as modified by Papierniak does not show or suggest organizing a selected subset of metrics in a hierarchical organization navigable by a user, and receiving from a user a first selection identifying an instance of said selected subset of metrics, as recited by each of the claims.

The Examiner cites Shapiro as teaching the claim elements not shown or suggested by Liddy and Papierniak. However, Applicants respectfully submit that the portion of Shapiro Publication No. 2002/0161770 that is relied upon by the Examiner is disqualified as prior art for the following reason. Shapiro has a filing date of March 29, 2002, which is after the April 19, 2001, filing date of the instant application. It is recognized that Shapiro is a continuation-in-part of application No. 10/108,239, filed on March 25, 2002, which is also after the filing date of the instant application. It is

further recognized that application No. 10/108,239 is a continuation-in-part of application No. 09/641,460 (now Patent No. 6,363,390), filed on August 18, 2000, which is before the filing date of the instant application. However, the material relied upon by the Examiner in Shapiro Publication No. 2002/0161770 as teaching the present claimed invention is not included in, nor suggested by, the parent applications for Publication No. 2002/0161770. In particular, the material relied upon by the Examiner is not included in, nor suggested by, any of the parent applications having a filing date before the filing date of the instant application. In other words, the information relied on by the Examiner as teaching the present claimed invention has a filing date after the filing date of the instant application, and therefore that material is disqualified as prior art.

In conclusion, and in agreement with the Examiner, Applicants respectfully submit that Liddy and Papierniak, alone or in combination, do not show or suggest the present claimed invention as recited by Claims 1-30. Applicants further submit that Shapiro Publication No. 2002/0161770 is disqualified as prior art. Therefore, the Applicants respectfully assert that the rejection of Claims 1-30 under 35 U.S.C. § 103(a) is traversed.

CONCLUSION

In light of the above remarks, the Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, the Applicants respectfully assert that Claims 1-30 overcome the rejections of record and, therefore, the Applicants respectfully solicit allowance of these claims.

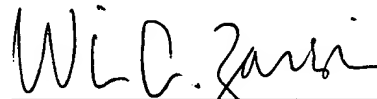
The Applicants have reviewed the reference cited but not relied upon. The Applicants did not find this reference to show or suggest the present claimed invention: U.S. 6,072,492.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date: 9/29/03



William A. Zarbis
Reg. No. 46,120

Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060